



AUTOMATED EXPORT SYSTEM TRADE INTERFACE REQUIREMENTS

AESTIR

April 2000

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PART I

Section 1. INTRODUCTION

This document describes the operational usage of the Automated Export System (AES) and is comprised of several separate documents. Together, these documents define the Automated Export System Trade Interface Requirements (AESTIR) and serve as a reference manual for the AES process.

The AESTIR is divided into three parts. Part I provides the user with general information needed to understand why and how AES was developed and enhanced, how AES works, and what requirements must be met to participate in AES. Part II provides the record formats accepted in AES. Part III contains the various appendices to the AESTIR, which assist the user in programming, testing, reporting and understanding the export requirements.

Information on AES is available through the Internet on the Customs Home Page at <http://www.customs.treas.gov/aes>. The AESTIR document is available via the AES Internet site and may be downloaded completely or as selected documents. Notices of changes to the record formats and AESTIR-related information are broadcast to all users of AES, as well as posted to the AES Internet site.

AES includes a Data Universal Numbering System (DUNS) number as a data element. The 'DUNS' is a registered trademark of The Dun and Bradstreet Corporation. 'DUNS' is used throughout this document.

Background

The AES is an electronic reporting system jointly developed by the U.S. Customs Service, the Foreign Trade Division of the Bureau of the Census (Commerce), the Bureau of Export Administration (Commerce), other Federal agencies and the trade community. AES allows exporters or their authorized agents to transmit commodity (Shipper's Export Declaration (SED) information, and sea carriers to transmit transportation (outbound vessel manifest) information.

AES provides a seamless Government information processing system to allow the trade community to report export data electronically. The AES also is the cornerstone of Customs' and the Census Bureau's reinvestment strategy to support and facilitate the movement of exports. Automation will help remove the time consuming paper processing barriers that now hinder the flow of trade. AES will greatly improve the accuracy of the export data provided to the Census Bureau and will allow the Census Bureau, in turn, to provide more accurate export data and a wider range of export data needed by businesses to stay competitive in the global trade market today. AES is in alignment with the global shift to the electronic movement of all business information.

The AES will result in the elimination of redundant reporting of export data to multiple agencies. It brings savings in both human resources and paper handling. It greatly increases the accuracy of trade statistics, which will allow for improvement in public and private sector decision making. Under AES, increased accuracy of trade information, the prohibition of illegal exports, and effective enforcement of license requirements can all be achieved while the flow of trade is facilitated. Although paper filing of the SED and manifest documents will still be permitted, it is anticipated that electronic filing through the AES will be the preferred method of export reporting by the trade community in the near future.

AES Overview

To ensure user participation in the development of AES, ideas and suggestions were provided to the AES Development Team through a Trade Resource Group comprised of exporters, carriers, freight forwarders, Non-Vessel Operating Common Carriers (NVOCC), port authorities and other interested parties.

AES was implemented in phases. Phase I began July 1995 with participation at five vessel ports. After a successful evaluation of Phase I was completed in June 1996, AES expanded to all vessel ports. In July 1997, AES expanded to receive air and overland commodity data, as well as vessel shipments, from all ports. In 1997, AES-PASS (Post-departure Authorized Special Status) was introduced to provide needed flexibility for post-departure filing by approved exporters. While AES-PASS significantly improved AES, some of the trade remained concerned. In 1998, to address current business practices and to increase voluntary acceptance of AES, the government entered into Interest-Based Negotiations (IBN) with members of the trade to discuss system enhancements and time frames for the submission of commodity information.

Two significant improvements to the AES were agreed to as a result of IBN: (1) the creation of a filing option that requires no pre-departure information with full export information transmitted within ten working days. And (2) the creation of a two-step filing option that allows for transmissions of some basic export information filed prior to exportation, followed by full export information filed within five working days. These reporting options are referred to as Option 4 and Option 3, respectively. Basic AES requires full pre-departure filing and is referred to as Option 2. Option 1 allows for the pre-departure filing of paper SEDs.

AES is currently accepting Letters of Intent to participate in AES Option 4 program that began in March 1999, as well as the basic AES Letter of Intent. The AES-PASS program was eliminated in April 2000, one year after the implementation of Option 4. The AES Development Team and the Outbound Process Team continue to work closely with the trade community, through the Trade Resource Group, to define the air and land border transportation requirements. The air and rail transportation modules (manifests) for AES are under development.

How the Basic AES Works

The export process begins when the exporter decides to export merchandise. The exporter or his authorized forwarding agent makes shipping arrangements with the carrier. The exporter or an authorized filing agent transmits the shipper's export information either directly or through a service center, port authority, data entry center or AESDirect,¹ using AES. The AES validates the data against editing tables and U.S. Government agency requirement files. AES generates a confirmation message or a fatal error message back to the filer. Any error messages generated by AES must be corrected and the corrected information transmitted to AES. The carrier or an authorized forwarding agent transmits the outbound vessel manifest using AES. The transportation data is validated and messages are generated by AES either confirming or rejecting the shipment data. Any errors must be corrected and the corrected data transmitted to AES. The system returns an Internal Transaction Number (ITN) confirming you successfully filed the required export documentation. *The AES, with its sophisticated editing system and your subsequent corrections, ensure your compliance with current U.S. export reporting requirements.*

1) *AESDirect* is a free internet application provided by the Bureau of the Census.

The Automated Export System (AES) Process Flow

Description of the AES Process Flow Diagram

The Process Flow Diagram depicts the major processing steps and 100 % user interaction required in AES.

Box 1: In the sea environment, ocean carriers will report a booking message to AES up to 72 hours prior to departure of the vessel. AES will edit the information and compare the booking information against federal agency criteria files. Within seconds/minutes, AES will generate a confirmation or error message(s) to the carrier. AES will NOT generate a HOLD at this time if the booking message matches against the criteria. For corrections/additions to data, the ocean carrier will send amendments. The primary reference of this message is the Booking Control Number.

Box 2: In the sea environment, ocean carriers will report a receipt of booking message after receiving the first piece of equipment or cargo for the booking in Box 1. AES will edit the information and compare the booking information and receipt of booking information against federal agency criteria files. Within seconds/minutes, AES will generate a confirmation or error message(s) to the carrier. In addition, AES will generate a HOLD if a criteria match was found against booking or receipt of booking data. For corrections/additions to data, the ocean carrier will send amendments.

Note: At the time this document was released, the air and rail transportation modules (manifests) had not been implemented into AES. Therefore, there is no mechanism for the air carrier or rail carriers to report manifest information to AES.

Box 3: Under Shipper's Export Declaration (SED) filing Options 2 and Option 3, the exporters or their authorized forwarding agent (referred to as the filer) begin sending in the commodity information required on the SED. Option 2 consists of complete pre-departure electronic SED data. Option 3 consists of up to 14 data elements filed electronically. In the sea environment, one of the elements the filer will send is a Transportation Reference Number (booking number). AES will edit the information and compare the SED information against federal agency criteria files. Within seconds/minutes, AES will generate a confirmation or error message(s) to the filer. For corrections/additions to data, the filer will send additions, deletions and changes.

Box 4: AES will attempt to match the ocean carriers' data with the SED filers' data by the booking number. If a match is found, internally AES will apply a closed status to that shipment. If no match is found, AES will apply a pending status to that shipment awaiting receipt of an identical booking from an ocean carrier. If the mode of transport is not sea, AES closes out the shipment when the date of exportation, reported by the filer has arrived.

Box 5: If the ocean carrier and filer booking numbers match and the SED data match the enforcement criteria, AES will generate a HOLD to the ocean carrier. If the SED data matched the enforcement criteria and the shipment is not sea, or is sea but unmatched, U.S. Customs inspectors will employ manual methods to notify unmatched sea carriers, air carriers or rail carriers of the HOLD.

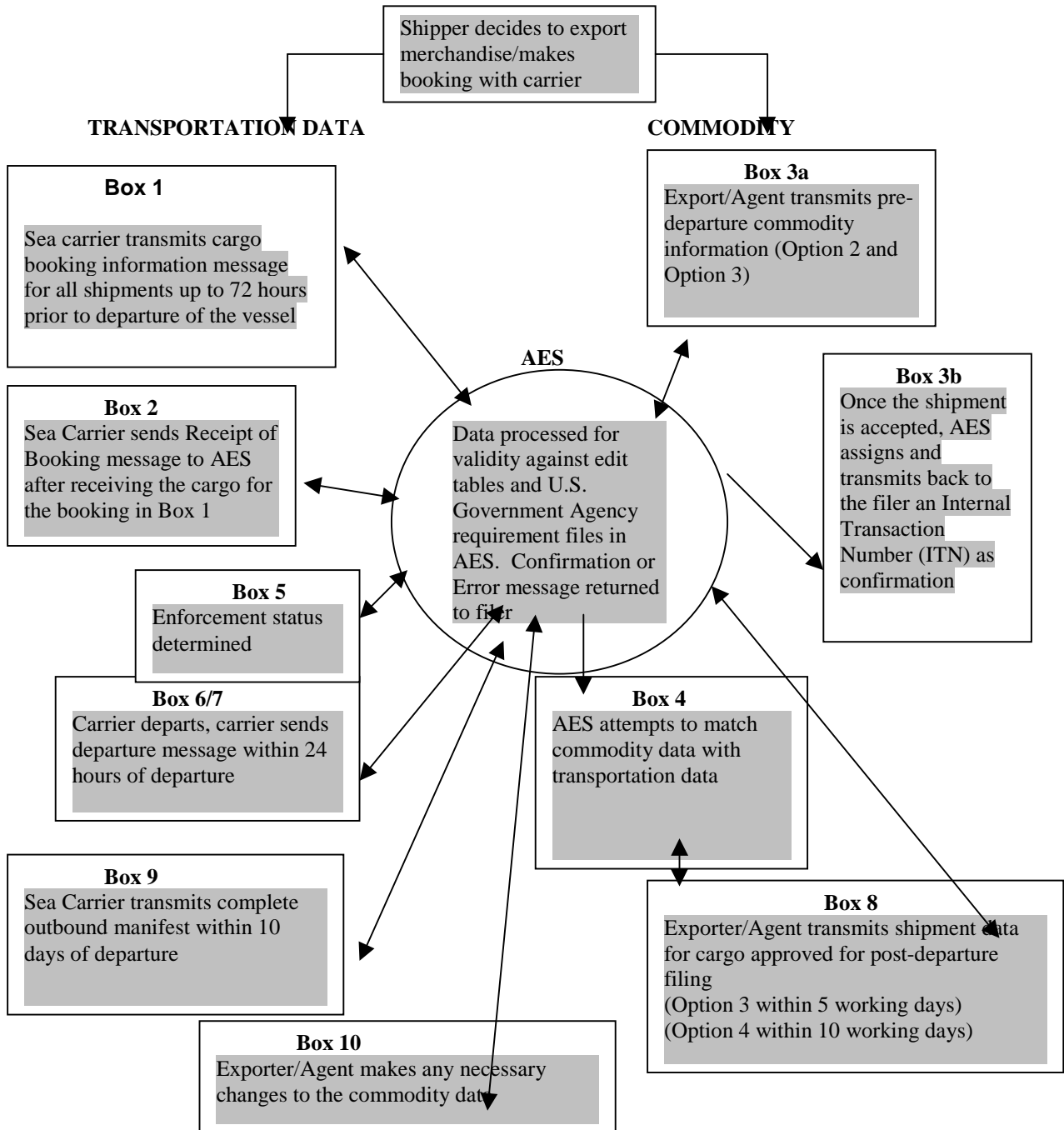
Box 6: The carrier physically departs.

Box 7: In the sea environment, the ocean carrier reports a departure message to AES at least 24 hours after the vessel departs. If ocean carrier and filer booking numbers match, the ocean carrier's transportation data will automatically overwrite the following data elements reported by the commodity filer: Date of Exportation, Port of Export, Foreign Port, Standard Carrier Alpha Code (SCAC), Vessel Name, and Vessel Flag. In other environments, the filer of the SED will update these fields by sending AES a change (if necessary, see Box 10).

Box 8: Under Shipper's Export Declaration (SED) filing Options 3 and Option 4, the exporter or his/her authorized forwarding agent (referred to as the filer) send in the commodity information required on the SED. Option 3 consists of complete SED data filed in AES up to 5 working days after exportation. Option 4 consists of full SED data filed in AES up to 10 working days after exportation. AES will edit the information and compare the SED information against federal agency criteria files. Within seconds/minutes, AES will generate a confirmation or error message(s) to the filer. For corrections/additions to data, the filer will send additions, deletions and changes.

Box 9: In the sea environment, the ocean carrier reports the vessel manifest up to 10 days after departure of the vessel. AES will edit the information and compare the manifest information against federal agency criteria files. Within seconds/minutes, AES will generate a confirmation or error message(s) to the ocean carrier. For corrections/additions to data, the ocean carrier will send amendments.

Box 10: The filer reports any changes to the AES SED data (if necessary).



Section 2: DATA TRANSMISSIONS

Commodity Information

Commodity data refers to that export information directly transmitted from the exporter, authorized forwarding agent, port authority, and service bureau, data entry center or AESDirect. These transmissions include detailed information on export shipments of commodities and replace the requirement to file a paper Shipper's Export Declaration (SED). This data is used in compiling the official U.S. export statistics and administering the requirements of the Export Administration Act, as provided in the Foreign Trade Statistics Regulations and the Export Administration Regulations.

The AES Development Team worked with the Trade Resource Group to arrive at a consensus on the data elements to be reported electronically. The data elements currently reflect the requirements of Commerce/Census and the Bureau of Export Administration; State/Office of Defense Trade Controls; the Nuclear Regulatory Commission; Treasury/U.S. Customs Service and the Office of Foreign Assets Control; and Energy/Office of Arms Control and Nonproliferation.

The U.S. Census Bureau amended the Foreign Trade Statistics Regulations to add provisions for filing shipper's export data electronically using the AES. (Federal Register published July 28, 1999 Part 111 Department of Commerce, Bureau of the Census, 15 CFR Part 30 Amendment to Foreign Trade Statistics Regulations: Provisions for filing Shipper's Export Data Electronically Using the AES.) The Customs Service amended the Customs Regulations to make provision for the AES as well as the Sea Carrier's Module in AES. (Federal Register published July 28, 1999, Part IV, Department of the Treasury, Customs Service, 19 CFR Parts 4, 101, 178, and 192 Automated Export System.)

Commodity Input Data Records

Customs Proprietary Commodity Record Format

Transaction Control Header (A) Record
Block Control Header (B) Record
Shipper's Commodity Information (SC1, SC2, SC3) Records
Party Profile Information (N01, N02, N03) Records
Commodity Line Item Description (CL1, CL2, CL3) Records
Block Control Trailer (Y) Record
Transaction Control Trailer (Z) Record

ANSI X12

The 601 Record Set

UN/EDIFACT

CUSDEC Information

Commodity Output Data Records

Commodity data output records provide participants with messages indicating whether the export commodity data transmitted to AES contained an error or was accepted error free. The output records will include fatal errors, warning errors, and informational responses.

FATAL Error: If AES edits identify an error in the translation of the data or an error in a core data element, a fatal error message results and **commodity data processing ceases**.

WARNING: AES accepts the data but issues a warning message. Corrections to warning messages should be made as soon as possible. **The participant is required to respond with corrections within four days after departure of the merchandise.** After four days, AES will send a reminder message to the participant requiring the correction.

Informational: It is the filer's responsibility to ensure timely and complete reporting. AES sends informational messages to the participant to inform them of **compliance issues**, like late reporting.

Verify: AES incorporates the export editing parameters, developed by the Census Bureau, based on statistical averages for commodity prices and more. Verify messages result when discrepancies occur between what Census usually expects for a particular commodity and the data given in the export shipment transaction. **Verify the data, and correct if necessary.**

Reminder: AES sends **reminder messages** to filers when warnings are not corrected in the 4-day period after the date of export. Additionally, these messages are sent to remind Option 3 filers to file their post-departure data.

Transportation Data

Transportation data refers to that information directly transmitted from the vessel carrier or a NVOCC. Transportation data transmitted to the AES includes information regarding the parties involved in transporting the export shipment and the transportation specifications of the exported merchandise.

Transportation Input Data Records

Transportation data may be submitted electronically to AES via the U.S. Customs Proprietary Record Format, UN/EDIFACT Format CUSCAR and CUSREP, or the ANSI X12 Format messages 309 and 353 (See Part II for details).

Transportation Output Data Records

Transportation data output records provide participants with messages indicating whether the export transportation data transmitted to AES was accepted error free or contained an error. The output record will include fatal errors, warning errors, and information responses. If AES edits identify an error in the translation of the data or an error in a core pre-departure data element, a fatal error message results and data processing ceases. A warning message requires the participant to respond with corrections within four days of departure of the merchandise. Verify messages are issued when the information reported is questionable compared to the normal accepted parameters set by Census.

Section 3: PARTNERSHIP AGENCIES

The National Performance Review (NPR) of 1993, as well as direction from the Office of Management and Budget, calls for establishment of a single electronic system for the collection and transfer of export information from the U.S. trade community to the numerous U.S. Government Agencies which have statistical/analytical reporting, monitoring or enforcement responsibilities related to outbound shipments of merchandise. Such a system would reduce the paperwork burden on the public by eliminating the duplication of data submission to numerous agencies by the trade as well as preventing development of redundant database systems for such collection by these agencies. To this end, the following automated interfaces are being developed with Partnership Agencies using AES as the data entry point for the trade.

With the implementation of the AES, data currently provided on the paper SED can be entered into this system electronically by the exporter or their authorized agent.

For AES participants who have a licensable shipment not covered in the License Type Code Tables, enter the license code 'OPA', which is defined as 'Other Partnership Agency' license not listed in the tables. A complete list of License Codes is available in Appendix F.

Partnership Agencies Involvement

The Bureau of the Census extracts AES data to compile and publish export trade statistics. The goal is to eliminate manual processing and review of paper SEDs, by providing edited data, electronically, to be used for analytical and statistical reporting.

AES checks dual-use shipments against licenses approved by the Bureau of Export Administration.

The Office of Defense Trade Controls utilizes the AES to validate outbound shipments of munitions against previously approved licenses.

We are continuing to create partnerships with other agencies for the future enhancement of AES.

Department of Commerce

The Department of Commerce, Bureau of Export Administration (BXA), requires certain information to be provided on the SED, Form 7525-V/7513, for licensable goods being exported out of the United States. Customs will collect and transmit to BXA data on all export transactions.

Depending on the type of goods being shipped, destination, end-use, etc., the exporter may designate one of the License Exceptions as meeting the requirement or they may have applied to BXA for a License. The exporter will trigger the BXA data requirements by entering the appropriate AES License Code, which identifies the type of BXA License/License Exception related to the export transaction.

The entered License Code will be validated by comparing it to the acceptable values, which are stored in the valid license codes table. The export filer will receive an error message if the License Code is missing or invalid (see Appendix A, #310/ #311, for errors). The exporter will be able to continue to complete data entry into the record; however, if the field is not corrected and a good match found on the table by the date of departure, a 'hold' on the shipment may occur.

Based on the type of License Code entered, the exporter may be required to provide an Export Control Classification Number (ECCN). ECCNs are required for all Licenses/Special Comprehensive Licenses and certain License Exception categories as noted in the AES License Type Code Table. Missing or invalid ECCNs will generate an error message (see Appendix A, #315/#316, for errors).

In addition to the ECCN, entry of License Codes covering all Licenses/Special Comprehensive Licenses will require the exporter to provide the *License Number*. Missing or invalid License Numbers will generate an error message (see Appendix A, #312/#313, for errors).

Input: For complete input record formats, refer to Part II

Output: There are no Commerce/BXA output records.

Nuclear Regulatory Commission

The Nuclear Regulatory Commission (NRC) requires that certain information be provided on the SED, Form 7525-V/7513, for nuclear material and equipment shipments being exported out of the United States.

Depending on the type of commodity, destination of the shipment, etc., the exporter is issued a license by the NRC to export the merchandise. The exporter will trigger the NRC data requirements by entering the appropriate AES License Code, which identifies the type of NRC license related to the export transaction.

The entered License Code will be validated against the table. The export filer will receive an error message if the License Code is missing or invalid (see Appendix A, #310/#311, for errors). The exporter will be able to continue to complete data entry into the record; however, if the field is not corrected and a good match found on the table by the date of departure, a 'hold' on the shipment may occur.

Entry of an AES License Code designating a NRC license type will require the exporter to provide the 'Specific' License Number or 'General' License CFR Citation. A missing License Number or CFR Citation will generate an error message (see Appendix A, #312, for errors).

Input: For complete input record formats, refer to Part II.

Output: There are no NRC output records.

Department of State

The Department of State, Office of Defense Trade Controls (ODTC) requires certain information to be provided on the SED, Form 7525-V/7513, for munitions shipments being exported out of the United States. Customs will collect and transmit to ODTC data on all export transactions related to commodities covered by the U.S. Munitions List.

Depending on the security classification and conditions under which the munitions are being shipped (i.e., Permanent Export of Unclassified Defense Articles and Services), the exporter is issued a license by State/ODTC to export the merchandise. The exporter will trigger the ODTC data requirements by entering the appropriate AES *License Code*, which identifies the type of ODTC license, related to the export transaction.

The entered License Code will be validated against the table. The export filer will receive an error message if the License Code is missing or invalid (see Appendix A, #310/ #311, for errors). The exporter will be able to continue to complete data entry into the record; however, if the field is not corrected and a good match found on the table by the date of departure, a 'hold' on the shipment may occur.

Entry of an AES License Code designating a State/ODTC license type will require the exporter to provide the *License Number* or *License Exemption Citation*. Missing or invalid License Number or missing License Exemption Citation will generate an error message (see Appendix A, #312/#313, for errors).

The enhancement for automated decrementation of State DSP-5 munitions licenses for all related shipments processed through AES was implemented in May 1998. This improved method for Customs calculations of State DSP-5 shipments against remaining license balances will be transparent to the AES filer. In essence, the export commodity (SED) data entry by the AES filer will automatically trigger the decrementation of the license. The only instances in which the AES filer will be aware of the process are as follows:

The shipment value is already exhausted
Result -- AES filer receives Error Message #361 'LICENSE IS EXHAUSTED'

The shipment exceeds the remaining license balance (including the ten- percent overage allowance).
Result -- AES filer receives Error Message #362 'VALUE EXCEEDS LICENSE LIMIT'

These errors may create a hold on the shipment if not corrected by the date of departure.

State license decrementation for non-AES filers through Customs data entry was implemented at four ports in November/December 1998. Nationwide decrementation is projected for the near future.

Future enhancements are planned, including a message back to the AES filer which provides the remaining license balance after the decrementation process takes place.

The objective is to ultimately reduce the paperwork burden on the trade, U.S. Customs Service, and the State Department; expedite processing of State-licensed shipments; and provide more accurate calculations for establishing remaining license balances.

Input: For complete input record formats, refer to Part II.

Output: There are no State/ODTC output records.

Department of the Treasury

The Department of the Treasury, Office of Foreign Assets Control (OFAC), requires certain information to be provided on the SED, Form 7525-V/7513 for shipments being exported out of the United States which are exceptions for specific commodities going to sanctioned countries.

Depending on the type of commodity, destination of the shipment, etc., the exporter is issued a license by OFAC to export the merchandise. The exporter will trigger the OFAC data requirements by entering the appropriate AES License Code, which identifies the type of OFAC license, related to the export transaction.

The entered License Code will be validated against the table. The export filer will receive an error message if the License Code is missing or invalid (see Appendix A, #310/#311, for errors). The exporter will be able to continue to complete data entry into the record; however, if the field is not corrected and a good match found on the table by the date of departure, a 'hold' on the shipment may occur.

Entry of an AES License Code designating an OFAC license type will require the exporter to provide the 'Specific' License Number or 'General' License CFR Citation. A missing License Number or CFR Citation will generate an error message (see Appendix A, #312, for errors).

Input: For complete input record formats, refer to Part II.

Output: There are no OFAC output records.

Section 4: GENERAL REQUIREMENTS

This section outlines the general requirements for participating in the AES. Several filing options are available for reporting shipper's export data. The first option is the standard pre-departure filing of the paper Shipper's Export Declaration (SED), referred to as Option 1. The AES provides participants with three filing options for transmitting shipper's export data electronically, within specific time frames, referred to as Option 2, Option 3, and Option 4.

Participation

Participation in the AES is voluntary and is designed to use technology available to both large and small businesses. Companies may purchase a software package designed by an AES certified software vendor (list provided). Or companies may develop an AES application in-house using the record formats and other technical information provide in this document. Companies that are not automated can submit data through a service center, port authority or data entry center, that provides the capability to communicate with the Customs Data Center in the same way as automated companies. Since October 4, 1999, the Bureau of the Census offers a cost-free Internet application, called *AESDirect*, that allows exporters, forwarders, and others to report SED information to the Automated Export System using the internet. For details on *AESDirect*, contact their web site at <http://www.aesdirect.gov/>

Certified trade participants (filing agents) can transmit to and receive data from the AES pertaining to merchandise being exported from the United States. Participants in the AES process, who may apply for AES certification, include exporters or their authorized forwarding agents, carriers, non-vessel operating common carriers (NVOCC), consolidators, port authorities, software vendors, service centers or data entry centers. Once becoming certified, an AES filer (filing agent) must agree to stay in complete compliance with all export rules and regulations.

Letter of Intent (LOI)

The first requirement for all participation in AES, including approval for Option 4 filing privileges, is to submit a complete and accurate *Letter of Intent* to the Census Bureau.

The *Letter of Intent* is a written statement of a company's desire to participate in AES. It must set forth a commitment to develop, maintain, and adhere to Customs and Census Bureau performance requirements and operations standards. The format and content for preparing the *Letter of Intent* is provided in this document. An electronic version of the *Letter of Intent* can be completed and submitted via the Internet, unless the applicant is requesting Option 4 filing privilege. In which case the *Letter of Intent* must be in writing.

AES General Information

The following is the format for preparing the *Letter of Intent*. *Letters of Intent* should be on company letterhead and must include:

- Company Name, Address (no P.O. Boxes), City, State, Postal Code
- Company Contact Person, Phone Number, Fax Number, E-mail Address
- Technical Contact Person, Phone Number, Fax Number, E-mail Address
- Corporate Office Address, City, State, Postal Code
- Computer Site Location Address, City, State, Postal Code
- Type of Business — Exporter, Freight Forwarder/Broker, Carrier, NVOCC, Port Authority, Software Vendor, Service Center, etc. (Indicate all that apply.)
- Exporters indicate whether you are applying for AES, Option 4 filing, or both.
- U.S. Ports of Export Currently Utilized
- Average Monthly Volume of Export Shipments (Monthly SED volume)
- Average Monthly Value of Export Shipments (Monthly SED volume)
- Filer Code — EIN, DUNS, SSN, or SCAC (Indicate all that apply.)
- Software Vendor Name, Contact, and Phone Number (if using vendor provided software)
- Look-a-Like Remote to Copy (as provided by vendor)
- Modes of Transportation used for export shipments (Air, Vessel, Truck, Rail, etc.)
- Types of Merchandise exported
- Types of Licenses or Permits
- Anticipated Implementation Date

The following self-certification statement, signed by an officer of the company, must be included in your letter of intent: ***“I hereby certify that (insert Company Name) is, and will continue to be, in compliance with all applicable laws and regulations.”***

Send AES *Letter of Intent* to:

**Chief, Foreign Trade Division
U.S. Census Bureau
Washington, DC 20233
Or, a copy can be faxed to: 301-457-1159**

Once the *Letter of Intent* is received, an U.S. Customs Client Representative and a Census Bureau Client Representative will be assigned to work with the company.

General filing and transmission requirements

The data elements required for filing shipper's export data electronically are contained in Section 5. Rather than delivering the paper SED to the carrier, the certified filer must transmit the shipper's export information electronically using the AES. When transmitting export information electronically, the AES filers must comply with the data transmission procedures determined by Customs and the Census Bureau (See AES certification, qualifications, and standards).

General Responsibilities of exporters, filing agents, and sea carriers**Exporter and authorized filing agent responsibilities**

The exporter and/or their authorized agents, certified for AES filing, are responsible for:

- Transmitting complete and accurate information to the AES.
- Transmitting information to the AES in a timely manner in accordance with the provisions and requirements in each reporting option.
- Responding to messages identified as fatal error, warning, verify, or reminder generated by AES
- Providing the exporting carrier with the required exemption statements or citations when an item or shipment is exempt from SED filing requirements
- Transmitting corrections or cancellations to information transmitted to the AES as soon as the need for such changes is determined
- Maintaining all necessary and proper documentation related to the AES export transaction

Sea carrier responsibilities

The exporting sea carrier is responsible for:

- Transmitting timely, accurate, and complete manifests and bills of lading information to AES for all cargo being shipped
- Responding to all notifications concerning the status of their transmissions and the detention and release of freight
- Transmitting booking, receipt of booking, departure, and manifest messages to AES
- Required to comply with record-keeping requirements

For information on electronic filing of manifest using the AES, see 19 CFR 4.76, Procedures and responsibilities of carriers filing outbound vessel manifests information via the AES.

SECTION 5: ELECTRONIC FILING OPTIONS

As an alternative to filing paper Shipper's Export Declaration forms (**Option 1**), three electronic filing options for transmitting shipper's export information are available to exporters or their authorized filing agents. Two of the electronic filing options (Options 3 and 4) take into account that complete information concerning export shipments is not always available at the time of shipment. The available AES electronic filing options are as follows:

Option 2: AES with full required information transmitted prior to exportation

Option 2 of AES provides for the pre-departure electronic filing of all information required for export shipment and is the basic AES.

NOTE: The following specific types of shipments always require full pre-departure information to be transmitted to AES; therefore, Option 2 is the only electronic option for filing these type shipments:

- Used self-propelled vehicles (except those shipped between the United States and Puerto Rico) as defined in 19 CFR 192.1
- Essential and precursor chemicals requiring a permit from the Drug Enforcement Administration
- Shipments defined as 'sensitive' by Executive Order
- Shipments where full export information is required prior to exportation by a federal government agency.

Option 3: AES with partial information transmitted prior to exportation

Option 3 provides for the electronic filing of specified data elements to the AES prior to exportation. . Option 3 is designed for those shipments for which full data are not available prior to exportation. Where partial information is provided under Option 3, complete export information must be transmitted as soon as it is known, but no later than five (5) working days from the date of exportation. No prior approval from the Census Bureau or Customs is required for certified AES filers to use Option 3. The exporter or their authorized filing agent must provide the exporting carrier with an AES exemption statement, which includes a unique shipment reference number, prior to exportation.

Used self-propelled vehicles shipped between the United States and Puerto Rico may be filed using Option 3. However, any other used vehicles can not be reported using Option 3 (revert to Option 2).

Commodity data for a shipment that requires a BXA, NCR, or OFAC license can be transmitted as an Option 3 filing. Commodity data for a shipment that requires a State Department license can not be transmitted as an Option 3 filing. Specific commodities always require full pre-departure information to be transmitted to the AES (as specified in Option 2) and can not be filed using Option 3 (revert to Option 2 or Option 1). **A filer may switch between Option 2 and Option 3 filing depending on the amount of information available at the time of filing the export.**

Option 4: AES with no information transmitted prior to exportation

Option 4 is only available for **approved exporters** and requires no export information to be transmitted electronically to AES prior to exportation. Where exportation is made with no prior AES filing, full information should be reported as soon as it is known, but no later than ten (10) working days from the date of exportation. The exporter or their authorized agent must provide the exporting carrier with the exporter's Option 4 AES Exemption Statement prior to exportation.

Certified AES authorized filing agents or service centers may transmit information post- departure on behalf of approved Option 4 exporters.

Shipments that require a license can not be transmitted as Option 4 filing (unless specifically approved by the licensing agency for Option 4 filing). Specific commodities (see Option 2) that require full pre-departure information can not be filed as Option 4. Used self-propelled vehicles shipped between the United States and Puerto Rico, by an Option 4 approved exporter, may be shipped using filing Option 4. However, any other used vehicle can not be transmitted as an Option 4 filing.

All exporters filing a *Letter of Intent* for Option 4 filing privileges will be cleared through a formal review process conducted by Customs, the Census Bureau, and other federal government agencies participating in the AES (partnership agencies). Option 4 *Letter of Intent* must be submitted in writing.

Section 6: AES CERTIFICATION, QUALIFICATIONS, and STANDARDS

AES Certification Process

Certification for AES filing will apply to any exporter, authorized forwarding agent, carrier, non-vessel-operating common carriers (NVOCC), consolidator, port authority, software vendor, service center or data entry center transmitting export information electronically using the AES. Applicants interested in AES filing must submit a *Letter of Intent* to the Census Bureau. Customs and the Census Bureau will assign client representatives to work with the applicant to prepare them for AES certification.

The AES applicant must perform an initial two-part communication test to ascertain whether the applicant's system is capable of both transmitting data to and receiving data from the AES. The applicant must demonstrate specific system application capabilities. The capability to correctly handle these system applications is the prerequisite to certification for participation in the AES.

The applicant must successfully transmit the AES certification test. Both the Customs and Census Bureau client representatives provide assistance during certification testing. These representatives make the sole determination as to whether or not the applicant qualifies for certification. Upon successful completion of certification testing, the applicant's status is moved from testing mode to operational mode.

Upon certification, the filer will be required to maintain an acceptable level of performance in AES filings. The certified AES filer may be required to repeat the certification testing process at any time to ensure that operational standards for quality and volume of data are maintained.

Filing Agent Certification

Once an authorized filing agent has successfully completed the certification process, the exporter(s) using that agent need no further AES certification of their own. The certified filing agent must have a properly executed *power of attorney*, a written authorization from the exporter, or a SED signed by the exporter to transmit the exporter's data electronically using the AES. The exporter or authorized agent that utilizes a service center or port authority must complete certification testing, unless the service center or port authority has a formal power of attorney or written authorization from the exporter to submit the export information on behalf of the exporter.

AES Certification Letter

The Census Bureau will provide the certified AES filer with a certification letter after the applicant has been approved for operational status. The certification letter will include:

- The date that filers may begin transmitting “live” data electronically using AES;
- Reporting instructions; and
- Examples of the required AES exemption legends.

AES Filing Standards

The certified AES filer’s data will be monitored and reviewed for quality, timeliness, and coverage. The Census Bureau will notify the AES filer in writing if they fail to maintain an acceptable level of quality, timeliness, and coverage in the transmission of export data or fail to maintain compliance with Census Bureau regulations contained in the Foreign Trade Statistics Regulations. The Census Bureau will direct that appropriate action to correct the specific situation(s) be taken.

Criteria for denial of applications requesting Option 4 filing status; Appeal Procedure.

Approval for Option 4 filing privileges will apply only to exporters. However, forwarding agents may apply for Option 4 filing privileges on behalf of an individual exporter. Option 4 applicants must submit a *Letter of Intent* to the Census Bureau.

Option 4 Approval Process

The Census Bureau will distribute the *Letters of Intent* for Option 4 filing privileges to Customs and the other partnership agencies participating in the AES Option 4-approval process. Failure to meet the standards of the Census Bureau, Customs, or one of the partnership agencies is reason for non-selection or denial of the application for Option 4 filing privileges.

Each partnership agency will develop its own internal Option 4 acceptance standards, and each agency will notify the Census Bureau of the applicant’s failure to meet that agency’s acceptance standards. If the Census Bureau does not receive either notification of denial, or a request for extension from the partnership agency within thirty (30) calendar days after the date of referral of the Letter of Intent to the partnership agency, the applicant is deemed to be approved by that agency. The Census Bureau will provide the Option 4 applicant with an approval or denial letter. If a denial letter is issued, the Census Bureau will indicate the partnership agency that denied the application. The applicant must contact the denying partnership agency for the specific reason(s) for denial.

Grounds for Denial of Option 4 filing status

The Census Bureau may deny an exporter’s application for Option 4 filing privileges for any of the following reasons:

- Applicant is not an established exporter with regular operations;
- Applicant has failed to submit SEDs to the Census Bureau for processing in a timely and accurate manner;
- Applicant has a history of noncompliance with Census Bureau export laws and regulations;

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- Applicant has been indicted, convicted, or is currently under investigation for a felony involving a violation of federal export laws or regulations and the Census Bureau has evidence of probable cause supporting such violation, or the applicant is in violation of Census Bureau laws or regulations; and
- Applicant has made or caused to be made in the *Letter of Intent* a false or misleading statement or omission with respect to any material fact.

Customs may deny a participant's application for any of the following reasons:

- The applicant is not an exporter as defined in the Census Regulations (15 CFR 30.7(d));
- The applicant has a history of non-compliance with export regulations (e.g., exporter has a history of late electronic submission of commodity records or a record of non-submission of required export document)
- The applicant has been indicted, convicted, or is currently under an investigation, wherein Customs has developed probable cause, for a felony involving any Customs law or any export law administrated by another government agency; or
- The applicant has made or caused to be made in the *Letter of Intent* a false or misleading statement or omission with respect to any material fact.

Notice of non-selection and appeal procedures for Option 4 filing

The Census Bureau will notify the applicant in writing of the decision to either deny or approve the applicant for Option 4 filing privileges within thirty (30) days of receipt of the *Letter of Intent* by the Census Bureau. If a decision cannot be reached at that time, the applicant will be notified of an expected date for a final decision as soon as possible after the thirty (30) calendar days.

Applicants for Option 4 filing privileges denied Option 4 status by other partnership agencies must contact those agencies regarding the specific reason(s) for non-selection and for their appeal procedures.

Applicants denied Option 4 status by the Census Bureau will be provided with a specific reason for non-selection and a Census Bureau point of contact in the notification letter. Option 4 applicants may appeal the Census Bureau's non-selection decision by following the appeal procedure and reapplication restriction provided in this section.

Applicant's whose applications are denied by Customs will be provided with the specific reason(s) for non-selection. Applicants may challenge Customs decision by following the appeal procedures provided in this section.

Revocation of Option 4 filing privileges

The Census Bureau may revoke Option 4 filing privileges of approved Option 4 exporters for the following reasons:

- The exporter has made or caused to be made in the *Letter of Intent*, a false or misleading statement or omission with respect to material fact;
- The exporter submitting the *Letter of Intent* is indicted, convicted, or is currently under investigation for a felony involving a violation of federal export laws or regulations and the Census Bureau has evidence of probable cause supporting such violation, or the applicant is in violation of Census Bureau laws or regulations contained in this chapter;
- The exporter has failed to substantially comply with existing Census Bureau or other agency export regulations; or
- The Census Bureau determines that continued participation in Option 4 by an exporter would pose a significant threat to national security interests such that their continued participation in Option 4 should be terminated.

Customs may revoke Option 4 privileges of participants for the following reasons:

- The exporter has made or caused to be made in the *Letter of Intent*, a false or misleading statement or omission with respect to any material fact;
- The exporter submitting the *Letter of Intent* is indicated, convicted, or is currently under an investigation, wherein Customs has developed probable cause, for a felony involving any Customs law or any export law administered by another government agency;
- The exporter fails to substantially comply with export regulations; or
- Continued participation in AES as an Option 4 filer would pose a threat to national security, such that continued participation in Option 4 should be terminated.

Notice of Revocation; Appeal Procedure

Approved Option 4 filers whose Option 4 filing privileges have been revoked by other agencies must contact those agencies for their specific revocation and appeal procedures.

When the Census Bureau makes a determination to revoke an approved Option 4 filer's AES Option 4 filing privileges, the exporter will be notified in writing of the reason(s) for the decision. The exporter may challenge the Census Bureau's decision by filing an appeal within thirty (30) calendar days of receipt of the notice of decision. In most cases, the revocation shall become effective when the exporter has either exhausted all appeal proceedings, or thirty (30) calendar days after receipt of the notice of revocation, if no appeal is filed. However, in cases when required by national security interests, revocations will become effective immediately upon notification.

Appeals should be addressed to the Chief, Foreign Trade Division, Bureau of the Census, Washington, DC 20233. The Census Bureau will issue a written decision to the exporter within thirty (30) calendar days from the date of receipt of the appeal by the Census Bureau. If a written decision is not issued within thirty (30) calendar days, a notice of extension will be forwarded within that time period. The exporter will be provided with the reasons for the extension of this time period and an expected date of decision.

Approved Option 4 exporters who have had their Option 4 filing status revoked may not reapply for this status for one year following written notification of the revocation. Such applications will not be considered before the one-year time period.

When Customs has decided to revoke a participant's Option 4 filing privileges, the participant will be notified in writing of the reason(s) for the decision. The participant may challenge Customs decision by filing an appeal within thirty (30) calendar days of receipt of the notice of decision. Except as stated elsewhere in this paragraph, the revocation will become effective when the participant has either exhausted all appeal proceedings or thirty (30) calendar days after receipt of the notice of revocation if no appeal is filed. However, in cases of intentional violations of any Customs law on the part of the program participant or when required by the national security, revocations will become effective immediately upon notification.

Appeals should be addressed to the Director, Outbound Programs, U.S. Customs, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW, Room 5.4c, Washington, DC 20229. Customs will issue a written decision or notice of extension to the participant within thirty (30) calendar days of receipt of the appeal. If a notice of extension is forwarded, the applicant will be provided with the reason(s) for extension of this time period and an expected date of decision.

Participants who have had their Option 4 filing privileges revoked and applicants not selected to participate

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in Option 4 of AES may not reapply for this filing status for one year following written notification of rejection or revocation.

Section 7: DATA ELEMENTS (Information reported electronically through AES)

The information listed in this section is required for shipments transmitted electronically through AES.

Data elements identified as: **"Mandatory"** must be reported for each transmission

"Conditional" must be reported if they are required for or apply to the specific shipment

"Optional" may be reported at the discretion of the exporter

Mandatory data elements are as follows:**(1) Exporter/exporter identification**

Name and address of the exporter

Exporter's profile: The exporter's Employer Identification Number (EIN) or Social Security Number (SSN) and exporter name, address, contact, and telephone number must be reported with the initial shipment. If no EIN, SSN, or DUNS number is available for the exporter, as in the case of a foreign entity being shown as exporter, the border crossing number, passport number, or any other number assigned by Customs must be reported. Once the exporter's profile is established in AES, subsequent shipments may be identify with only the EIN, SSN, or DUNS number. It is not necessary to transmit the name and address each time once the profile is established in AES.

(2) Date of exportation/date of arrival

The exporter or the authorized forwarding or other agent in the export transaction must report the date the merchandise is scheduled to leave the United States for all modes of transportation. If the actual date is not known, report the best estimate of departure. The estimated date of arrival must be reported for shipments to Puerto Rico.

(3) Ultimate consignee

The ultimate consignee is the person, party, or designee on the export license who is located abroad and actually receives the export shipment. The ultimate consignee known at the time of export must be reported. For goods sold en route, report "SOLD EN ROUTE" and report corrected information as soon as it is known.

(4) U.S. state of origin

Report the 2-character postal abbreviation for the state in which the merchandise begins its journey to the port of export.

(5) Country of ultimate destination

Report the 2-character International Standards Organization (ISO) code for the country of ultimate destination. The country of ultimate destination, as shown on the export license, or the country as known to the exporter or principal party in interest in the export transaction at the time of export is the country in which the merchandise is to be consumed or further processed or manufactured. For goods sold en route, report the country of the first port of call and then report corrected information as soon as it is known.

(6) Method of transportation

The method of transportation is defined as that by which the goods are exported or shipped. Report one of the codes listed in Appendix T.

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(7) **Conveyance name**

The name of the carrier (sea—vessel name; others—carrier name) must be reported by the exporter or the exporter's agent as known at the time of shipment for all shipments leaving the country by sea, air, truck, or rail. Terms such as "airplane," "train," "truck," or "international footbridge" are not acceptable and will generate an error message.

(8) **Carrier identification**

Report the 4-character Standard Carrier Alpha Code (SCAC) for vessel, rail, and truck shipments and the 2- or 3-character International Air Transport Association (IATA) Code for air shipments to identify the carrier actually transporting the merchandise out of the United States.

(9) **Port of export**

Report the code of the Customs port of export in terms of Schedule D, "Classification of Customs Districts and Ports." See Appendix D for list of codes to be reported here.

(10) **Related/Non-related indicator**

Indicate if the shipment is between related parties.

(11) **Domestic or foreign indicator**

Indicate if the commodities are of domestic or foreign production.

(12) **Commodity classification number**

Report the 10-digit commodity classification number as provided in Schedule B, "Statistical Classification of Domestic and Foreign Commodities Exported from the United States" (Schedule B). The 10-digit commodity classification number provided in the Harmonized Tariff Schedule (HTS) may be reported in lieu of the Schedule B Commodity classification number except as noted in the Head Notes of the HTS. (This list is also available on the AES internet web site)

(13) **Commodity description**

Report the commercial description in sufficient detail to permit the verification of the commodity classification number.

(14) **First net quantity/unit of measure**

Report the primary net quantity in the specified unit of measure and the unit of measure as prescribed in the Schedule B or HTS or as specified on the export license.

(15) **Gross shipping weight**

Report the gross shipping weight in kilograms for vessel, air, truck, and rail shipments. Include the weight of containers, but exclude the weight of carrier equipment.

(16) **Value**

The value shall be the selling price or cost if not sold, including inland freight, insurance, and other charges to the U.S. port of export. Report the value in U.S. currency.

(17) **Export information code**

Report the appropriate 2-character export information code as provided in Appendix E.

(18) **Shipment reference number**

The filer of the export shipment provides a unique shipment reference number that allows for the identification of the shipment in their system. This shipment reference number must be unique for five years.

(19) **Line item number**

Report a line number for each commodity for a unique identification of the commodity.

(20) **Hazardous material indicator**

This is a "Yes" or "No" indicator identifying the shipment as hazardous as defined by the Department of Transportation.

(21) **In-bond code**

FOR FUTURE USE. The Default code '70' for not in bond is currently reported here. Other 2-character in bond codes may be reported for informational purposes only at this time.

(22) **License code**

Report the 3-character code listed in Appendix F to indicate the type of license, permit, license exemption, or no license required code.

Conditional data elements are as follows:(1) **Forwarding agent/forwarding agent identification**

(i) *Name and address of the forwarding agent.* The forwarding agent is any person in the United States or under jurisdiction of the United States who is authorized by the exporter to perform the services required to facilitate the export of merchandise out of the United States or the person named in the validated export license.

(ii) *Forwarding agent's profile*

The forwarding agent's identification number (EIN, DUNS, or SSN) and name and address must be reported with the initial shipment. Subsequent shipments may be identified by reporting only the identification number.

(2) **Intermediate consignee**

The intermediate consignee is the intermediary (if any) who acts in a foreign country as an agent for the exporter or the principal party in interest or the ultimate consignee for the purpose of effecting delivery of the export shipment to the ultimate consignee or the person named on the export license.

(3) **Foreign Trade Zone number**

Report the unique 5-character code assigned by the Foreign Trade Board that identifies the Foreign Trade Zone from which merchandise is withdrawn for export.

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(4) **Foreign port of unloading**

For sea shipments only, the code of the foreign port of unloading should be reported in terms of the 5-digit codes designated in Schedule K, "Classification of Foreign Ports by Geographic Trade Area and Country." For sea and air shipments from the United States to Puerto Rico, or from Puerto Rico to the United States, report the port of unloading in terms of the 4-position Schedule D port code, "Classification of Customs Districts and Ports." (Left justify)

(5) **License number/Code of Federal Regulations (CFR) citation**

For licensable commodities, report the license number of the license issued for the merchandise. If no license is required, report the regulatory citation exempting the merchandise from licensing or the conditions under which the merchandise is being shipped that make it exempt from licensing.

(6) **Export Control Classification Number**

Report the Export Control Classification Number (ECCN) for merchandise as required by the Bureau of Export Administration (BXA) Regulations (15 CFR Parts 730 through 774).

(7) **Second net quantity/unit of measure**

When Schedule B requires two units of quantity be reported, report the second net quantity in the specified unit of measure and the unit of measure as prescribed in the Schedule B or HTS.

(8) **Used self-propelled vehicles**

Report the following items of information for used self-propelled vehicles as defined in 19 CFR 192.1:

- (i) **Vehicle Identification Number:** Report the unique Vehicle Identification Number (VIN) in the proper format;
- (ii) **Product Identification Number:** Report the Product Identification Number (PIN) for those used self-propelled vehicles for which there are no VINs;
- (iii) **Vehicle title number:** Report the unique title number issued by the Motor Vehicle Administration; and
- (iv) **Vehicle title state:** Report the 2-character postal abbreviation for the state or territory of the vehicle title.

(9) **Entry number**

Report the Import Entry Number when the export transaction is to be used as proof of export for import transactions such as In-Bond, Temporary Import Bond, Drawback, and so forth. (Not available at this time)

(10) **Wavier of prior notice**

This is a "Yes" or "No" indicator to determine if the person claiming drawback received a waiver of prior notice for the exported merchandise. (Not available at this time)

(11) **Transportation reference number**

Report the booking number for all sea shipments. The booking number is the reservation number assigned by the carrier to hold space on the vessel for the cargo being exported.

(12) **Equipment number**

Report the container number for containerized shipments. This number may be reported in conjunction with the booking number.

(13) **Filing option indicator**

Report the 1-character filing option that indicates Option 3 or Option 4 filing. The default is Blank for Option 2 filings.

Optional data elements are as follows:**(1) Marks and numbers**

The exporter or the authorized forwarding agent in the export transaction may opt to report any special marks or numbers that appear on the physical merchandise or its packaging that can identify the shipment or a portion thereof.

(2) Seal number

Report the security seal number of the seal placed on the equipment.

(3) Vessel Flag

Report the ISO code for the country under whose flag the vessel is registered for (MOT=10, 11, 12)

Pre-departure Option 3 data elements include:

Exporter ID, Forwarding Agent ID, Carrier ID, Country of Destination, Name of Ultimate Consignee, Commodity Description or Schedule B/HTS number, Shipment Reference Number, Intended Port of Export, Estimated Date of Export, Method of Transportation Code, Transportation Reference Number, Hazmat Indicator, License Code, Export License Number.

Section 8: TRANSMITTING and CORRECTING AES INFORMATION

- (a) The exporter or their authorized filing agent is responsible for electronically transmitting corrections, cancellations, or amendments to shipment information previously transmitted using the AES.** Corrections, cancellations, or amendments should be made as soon as possible after exportation when the error or omission is discovered.
- (b) For shipments where the exporter or their authorized filing agent has received an error message from AES, the corrections must take place as required.** A fatal error message will cause the shipment to be rejected. This error must be corrected prior to exportation of the merchandise. For shipments where a warning message is received, the correction must be made within four (4) working days of receipt of the transmission; otherwise AES will generate a reminder message to the filer. For shipments with a verify message, corrections when warranted, should be made as soon as possible after notification of the error by the AES.

Section 9: ANNOTATING the PROPER EXEMPTION LEGENDS for SHIPMENTS TRANSMITTED ELECTRONICALLY

IMPORTANT: Failure to provide an exemption legend could result in delay of your export shipment.

The exporter or their authorized forwarding agent is responsible for annotating the proper exemption legend on the bill of lading, airway bill, or other commercial loading document for presentation to the carrier, either on paper or electronically prior to export. The exemption legend will identify that the shipment information has been transmitted electronically using the AES. The exemption legend will include the statement "NO SED REQUIRED-AES" followed by the filer's identification number and a unique shipment reference number or the returned confirmation number. Exemption statements for Option 2 and Option 3 filers are formatted the same. For exporters who have been approved to participate in Filing Option 4, the exemption statement, "NO SED REQUIRED-AES," should include the exporter's identification number and the filer's identification number if other than the exporter. **The exemption legend must appear on the first page of the bill of lading, airway bill, or other commercial loading document and must be clearly visible.** Foreign Trade Statistics Regulations Letter Number 168 (Amendment 1) provides the official AES exemption legends to be used. That letter is available on the AES internet web site.

Section 10: RECORDINGKEEPING and DOCUMENTATION REQUIREMENTS

All parties to the export transaction (owners and operators of the exporting carriers and exporters and their authorized agents) must retain documents or records verifying the shipment for five (5) years from the date of export. Customs, the Census Bureau, and other agency participating in AES may require that these documents be produced at any time within the 5-year time period for inspection or copying. These records may be retained in an elected format including electronic or hard copy as provided in the applicable agency's regulations. Acceptance of the documents by Customs or the Census Bureau does not relieve the exporter or their authorized agent from providing complete and accurate information after the fact.

Section 11: SOFTWARE DEVELOPMENT

Participants are responsible for developing or acquiring the software necessary to send and receive data. This includes:

- A communications interface program
- Complete edits and verification logic to ensure data accuracy and completeness **(See Appendix Q)**
- Applications support programs to build a file which the communications interface program will transmit to the Customs computer

Section 12: DATA STORAGE CAPACITY

An AES participant must have the data storage capacity to store valid information needed to successfully capture and submit an export transaction to AES. This information may include the HTS or Schedule B classification numbers, ISO Country Codes, U.S. Port Codes, Foreign Port Codes, License Type Codes, Export Information Codes, Units of Measure and codes for valid Modes of Transportation (SCAC and/or IATA codes). The participant will need to store the present, past, and future effective dates of this data. Another serious storage consideration is data retention of AES export transactions for a minimum of three years. The data need not be on-line, but readily accessible if verification of a transaction is needed.

Section 13: COMMUNICATIONS

U.S. Customs offers several communication interface program options to AES users.

- Filer owned software (either developed or purchased)
- A Value Added Network (VAN) mailbox
- Servicing facilities of a Port Authority or Service Center offering the AES interface for filers who are not automated or have incompatible equipment.
- AESDirect, a free Internet filing application developed by Census (<http://www.aesdirect.gov/>)

All AES filers transmit data to the U.S. Customs Service central processor. Communications access is monitored by internal security program controls using account numbers and passwords assigned by Customs to each user. Authorized users are further restricted to processes that permit the transmission and receipt of data files applicable only to functions that they are authorized to perform.

A filer may communicate with AES using any of the following formats:

- Customs Proprietary Commodity Record Format for AES
- Customs Proprietary Transportation Format for AES
- ANSI X12
- EDIFACT

The filer's application support program must build a file which the communications interface program transmits to AES via batch processing. Participants must use a data transmission protocol agreed upon between the user and Customs. When the communications connect is established, the filer's communication interface program transmits the contents of the sign-on file. The specific sign-on job control language (JCL) statements for initial data communications and testing with the Customs computer are provided to each participant on an individual basis by the Customs Client Representative. If the VANS option is chosen, the mailbox address will be provided by the Customs Client Representative.

Any data received by Customs just prior to a line drop or any other mechanical failure occurring during transmission is not retained. The filer must reinitiate the send task after resolution of the problem and retransmit the data.

STANDARD GUIDELINES FOR PROCESSING OF AUTOMATED EXPORT TRANSACTIONS DURING DOWNTIME OF AES AND DOWNTIME OF THE AES PARTICIPANT'S COMPUTER SYSTEM

December 1999

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1. PURPOSE

These guidelines provide the uniform procedures for the processing of export transactions when the Automated Export System (AES) or the computer system of an AES Participant is unavailable for transmissions.

2. BACKGROUND

This document was written to meet the requirements of the "United States Customs Service, Year 2000, Contingency Management Strategy for Mission Critical Mainframe Applications." This document is a condensed and concise version of the "Contingency of Operation Plans" (COOP) for the Outbound Process and will serve as a guideline for any failure of AES or the participants' systems connected to AES.

The primary purpose of the COOP is to serve as a contingency in the event that AES or related systems experience major failure due to an unforeseen problem caused by the Year 2000 issue. The secondary purpose of the COOP is to serve as a guide both for Customs and the public in case of any failure of AES or related systems.

AES is Y2K compliant. All possible precautions have been taken to minimize downtime of AES. However, occasional downtime will still be experienced due to routine and/or unscheduled maintenance of AES performed by the Customs Service, Office of Information Technology. Also, unforeseen downtime can be caused by damage to the Newington mainframe computer by natural disaster, war, civil disturbance or catastrophic breakdown. In addition, AES participants may experience downtime due to malfunctions of their own equipment.

All Customs Ports, AES participants and Government agencies involved with AES are asked to become familiar with these guidelines and ensure that local procedures reflect the policies in this document. More than likely, these procedures will never be used. However, in case of emergency, these plans will ensure that normal operations of the export process can proceed without interruption.

3. DEFINITIONS

A. AES Participant is any company (exporter, forwarding agent, carrier, consolidator, service center/bureau, or port authority) actively reporting export information electronically through AES in lieu of manual or other automated reporting systems.

B. Downtime is a period of at least 1 calendar day when AES or the computer system of an AES participant is inaccessible and, as a result, export

shipments and export manifests are not reported within the required time frames.

C. Export Transactions are any transmissions of commodity Shipper's Export Declaration (SED) information, Booking Messages, Receipt of Booking Messages, Departure Messages, or Manifest Messages reported electronically through AES.

D. Manual Method is the paper method of export reporting instead of electronic filing via AES. Procedures and time frames for submitting paper manifests and SEDs are described in 19 CFR Part 4, 19 CFR Part 122, 15 CFR 30, and these downtime guidelines.

E. Severe Circumstances are situations such as natural disasters, civil disturbance, nuclear war, catastrophic accident to either AES or a participant's computer which may make normal automated reporting and verification through AES impossible.

F. State Department Licenses are issued by the Office of Defense Trade Controls (ODTC) for the export of defense related items. Customs maintains the "License for Permanent Export of Unclassified Defense Articles" (DSP-5) at the probable port of exit.

4. GENERAL POLICY

Due to the trend of automated export reporting replacing the paper reporting system, a breakdown in AES may cause a major disruption of the export process. Because of the importance of export trade statistics in the formulation of trade policy and export enforcement, the following policy has been established.

A. AES or Participant's System is Unavailable for More than One and Less than Eight Calendar Days for Commodity and/or Manifest Data

Shipments reported in AES for which full or partial pre-departure information is required will continue to be exported without interruption even if the participant's AES transmissions are delayed because the system is unavailable. However, special procedures apply for State Department licensable commodities. These are explained in Sections 4D, 5A6, 5A7, 6A3 and 6B8 of this document. Procedures and timeframes for filing manifest data, and commodity data (SED) under the various Options, are explained in Sections 5 and 6 of these guidelines. During downtime, AES participants will adhere to these guidelines when reverting to manual procedures. Essentially, these correlate with the Customs and Census regulations for electronic filing which were published on July 28, 1999. Transmissions will resume when the system becomes available. Exporters will ensure that any shipment exported during downtime includes the appropriate AES exemption statement on the waybill or other commercial documents for inclusion on the carrier's manifest. AES exemption statements are found in the Bureau of the Census FTSR Letter

No. 168 dated August 9, 1999. Participants will keep a log of downtime in which they are unable to transmit data via AES. Backlogs must be transmitted within 14 calendar days from the day AES or the participant's system becomes available.

B. AES or Participant's System is Unavailable for Eight Calendar Days or More For Commodity and/or Manifest Data

This applies to cases where AES or the participant's computer is down eight calendar days or more, or in cases of severe circumstances where it is likely that the system has suffered irreparable damage and will be unavailable for at least seven calendar days. The AES participant shall revert to the manual method of export reporting for all new transactions, starting on the eighth day, until electronic filing of AES transactions resumes. Paper SEDs and manifests will be filed in accordance with the time frames established in Sections 5 and 6 of this document.

Participants will keep a log of down time for which they are unable to transmit data through AES.

C. Enforcement Verifications

During downtime, enforcement verification of export transactions will revert to manual methods. This means that Customs Officers, under the authority of 22 USC401, will need to review paper SEDs, waybills, manifests and bookings to target high risk shipments. Carriers, exporters, or their agents must be contacted by phone/fax, or in person, to detain shipments for examination or to release shipments from detention. Targeting and detentions through AES should resume immediately when AES or the AES participant's computer system becomes available. The participant or their Client Representatives should ensure that the Assistant Port Director, Outbound Operations is aware of the downtime of the participant's computer, and when their system is again available for AES transmissions

D. State Department Licenses

The State Department Decrementation Program in AES is expected to be fully implemented internally at Customs by the first quarter of 2000. This module, which is updated daily, contains an electronic copy of all approved licenses issued by the State Department. The module also contains a feature for recording export actions and computing the remaining values of the electronic licenses, which are now recorded manually on the back of the paper license held at the Customs ports. Currently, the decrementation portion of this module only applies to permanent export licenses DSP-5. Therefore, the procedures outlined in this policy ONLY apply to shipments requiring a DSP-5 license for export.

There are two ways a shipment can be posted against the electronic copy of the license. The first is for the exporter (AES filer) to send an AES commodity transmission with the license number recorded in that transmission. The electronic copy of the license will be updated automatically to reflect the export action based on the AES transmission. The second is for the shipper (non-AES filer) to present the SEDs and invoice to the Customs export desk at the port of exit. The Customs Officer will call up the license and record the export in AES instead of recording the export on the back of the paper license.

E. Downtime Matrix

Filing Status	Outage 1-7 Calendar Days	Outage- 8 Calendar Days
COMMODITY		
Option 1	Paper Pre-Departure	Paper Pre-Departure
Option 2 Pre-departure specified in regulations (used vehicles; chemicals; Presidential Proclamation; Other Government Agency pre-departure data)	Paper - Pre-Departure	Paper- Pre-departure
Option 2 (Other than above)	Shipment goes. File full data electronically within 14 calendar days after system is available	Paper - Pre-departure for all new transactions (as of 8 th calendar day)
Option 3	Shipment goes. File full data electronically within 14 calendar days after system is available	Paper – Pre-departure for all new transactions (as of 8 th calendar day)
Option 4	Shipment goes. File full data electronically within 14 calendar days after system is available	Shipment goes. Paper Post-departure for all new transactions (as of 8 th calendar day)– due within 10 working days from date of exportation
<u>VESSEL MANIFEST</u>		
Manifest	Ship goes – File full manifest data within 14 calendar days after system is available	Paper – Post departure for all new departures (as of 8 th calendar day) - due within 10 calendar days of departure from each port
Departure ***	File electronically within 14 calendar days after system is available	

*** Departure message should be transmitted after manifest is transmitted when inputting backlog data.

5. ACTION – SYSTEM UNAVAILABLE FOR SEVEN CALENDAR DAYS OR LESS

A. AES Participants

AES participants will implement the following procedures when they are notified that the system is unavailable or when they are unable to transmit through AES and the problem can be remedied in seven calendar days or less.

1. Participant Unable to Transmit

When participants are unable to transmit through AES, they should immediately analyze their system and ascertain the reason. If the problem lies with AES, the procedures in Section 5A2 through 5A6 should be followed. Participants may refer to their Client Representatives or Customs point of contact for further information on the outage. If the problem lies with the participant's computer system, the participant must assess the impact of the problem. If it appears that the problem cannot be quickly repaired, and may have a substantial impact on the participant's ability to transmit (within 4 hours of outage) the participant should contact their Client Representative and the Assistant Port Director, Outbound Operations at the nearest port. If assistance is needed in determining where the source of the problem lies, the participant should call their Client Representative. Participants should keep a log of all downtime and the reasons for the problems.

2. Downtime Procedures

A. **Commodity (SED) Data**

Procedures applicable to State Department licensable commodities are explained in Section 5A6.

Option 2 – Pre-Departure Transmissions Designated by Regulations:

Paper documents must be presented prior to departure for those shipments specifically designated as Option 2 in 15 CFR Part 30.61(a): Used self-propelled vehicles (except those shipped between the United States and Puerto Rico); Essential and precursor chemicals requiring a permit from the Drug Enforcement Administration; Shipments defined as "sensitive" by Executive Order; and Shipments where full export information is required prior to exportation by a federal government agency.

Option 2 (Other Than Above), Option 3 and Option 4 Transmissions

AES participants may continue to export shipments during downtime. They will report shipments exported during the first 7 calendar days of downtime as soon as possible after their system or AES becomes available again. Full data for the backlog must be transmitted within 14 calendar days after system's availability is restored. Exporters should ensure that the appropriate AES exemption statement is provided to the carrier (see FTSR Letter No. 168 dated August 9, 1999).

All AES participants will revert to manual reporting for new transactions starting on the 8th day of downtime.

B. Vessel Departure/Manifest Data

AES vessels will continue to depart as usual during downtime. When AES transmissions resume, they will not transmit Booking or Receipt of Booking messages if the vessel has departed. However, they will transmit departure messages and full manifest data for vessels that departed during the first 7 calendar days of downtime as soon as possible after their system or AES becomes available again. The backlog must be transmitted within 14 calendar days after system's availability is restored.

AES participants will revert to manual reporting of manifests for new departures starting on the 8th day of downtime.

3. Recordkeeping

AES participants should keep copies of export documentation readily available for inspection by Customs Officers until electronic transmission into AES resumes. After recordation in AES, participants may archive this information in accordance with Department of Commerce's record keeping regulations.

4. Late Messages

AES participants should ignore "SHIPMENT REPORTED LATE" error messages for those transactions unable to be reported during AES downtime.

5. Holds

AES participants should continue to hold shipments detained by Customs Officials or placed on hold by AES prior to the system's failure.

Participants should contact the local Assistant Port Director, Outbound Operations to confirm the status of their shipments.

6. State Department Licenses

When AES is unavailable for transmissions, AES filers or their designated agents should **NOT** export shipments requiring a DSP-5 license if they intend to report them through AES. Exporters and their agents should wait until AES or their system is back on line before exporting and reporting such shipments. However, the shipment can be exported provided the exporter reverts to the manual method (i.e. presenting the paper SEDs and invoice to the port of export for validation, and subsequently presenting two copies of the validated SED to the carrier for the manifest). Manual procedures may be found in 22 CFR123.22. Shipments which are processed manually should **not** be reported through AES as well, as this will result in double reporting of the shipment to the Bureau of Census. This may also result in double decrementation of the license.

B. Government's Responsibilities

During downtime of more than 1 but less than 8 calendar days, Customs and Census will be responsible for the following:

1. Client Representatives and the Newington Data Center

When notified of a problem with AES, Client Representatives and the Newington Data Center will follow the procedures in the Customs document "Trade & Field Support Problem Escalation Procedures - Internal Use" to resolve the problem.

2. Unresolved Problems

If the AES system problem cannot be remedied in a short time (less than 4 hours) and the problem will have a major impact on AES transmissions, the Newington Data Center will ensure that the Director, Outbound Programs, AES Team, and Client Representative Team Leaders are informed. The Director, Outbound Programs is responsible for informing the Chief, Foreign Trade Division, Bureau of the Census. The AES Client Representative Team Leader will notify the Client Representatives and AES clients. The Super Fax may also be used to inform the participants.

The Director, Outbound Programs will use his/her discretion in notifying the Assistant Port Directors, Outbound Operations and the Exodus Command Center. When an AES participant notifies their Client Representative that their system is unavailable for an extended period of time, the Client Representative or the participant will in turn notify the

affected ports. The Assistant Port Director, Outbound Operations of that port will notify the members of the various outbound teams.

3. Notification of Local Customs Ports

Customs Officers will be notified that AES is unavailable by any of the following:

- a 505 or 504 error message when attempting to log on the system
- a comment in the status column on the TPX menu that AES is unavailable
- a message from the Director, Outbound Programs
- notification from a Client Representative or AES participant that there is a problem with their system. Customs personnel may contact the Newington Data Center at (703) 921-6000 to ascertain the status of AES.

4. Verifications

Enforcement verifications of export transactions will revert to manual methods during AES downtime. This means that Customs Officers will need to review paper SEDs, waybills, manifests and bookings to target for high risk shipments. Carriers, exporters, or their agents must be contacted by fax/phone, or in person, to detain shipments for inspection or to release those shipments. Any questions concerning requirements for other agencies such as BXA, OFAC or State will be referred to the Exodus Command Center. Targeting and detentions through AES should resume immediately when AES or the participant's computer system is available for transmission.

5. Holds

Customs Officers should respond immediately to inquiries from AES participants concerning holds. Officers should keep a manual record of inspection results until AES becomes available, at which time the officer will record inspection results in AES.

6. Evidence of Compliance

During downtime, Customs Inspectors should accept export documents with the AES exemption statement or the presentation, upon request, of the participant's copies of export documentation awaiting input into AES (see 5A3 of this document) as evidence of the participant's compliance with export regulations. If there is a question about compliance, Customs Officers may verify exports in AES after the AES participant has had reasonable time to input their backlog.

7. State Department Licenses

Exports requiring State Department Licenses should not be delayed because AES is unavailable. If a shipper presents an SED for validation while AES is unavailable, Customs Officers should check the paper licenses filed at their port, or at the port where the paper license is filed, to confirm the existence of the license. The Officer can validate the shipper's copies of the SED and return those copies to the shipper for forwarding to the carrier. The officer should hold the copy of the SED that is to be forwarded to the State Department until AES becomes available. When AES processing resumes, Customs will ensure that decrementation is accomplished in the system.

6. ACTION – SYSTEM UNAVAILABLE FOR EIGHT CALENDAR DAYS OR MORE

A. AES Participants

Participants will execute the procedures outlined below in the following instances:

- a. AES Participant is informed by a Customs Official that these procedures are in effect. The decision to implement these procedures can only be made by the Director, Outbound Programs or his representative.
- b. Participant informs the Client Representative, who in turn informs the local Assistant Port Director, Outbound Operations that they are executing these procedures because of a fault in their system that cannot be repaired in seven days.
- c. Severe circumstances cause a complete breakdown in communications making it unlikely to restore transmissions within seven days.
- d. Filers may also agree to revert to manual procedures in less than seven days of unavailability of AES, if agreed upon by Census and Customs.

1. Manual Procedures

In the situations described above, AES participants will revert to submitting paper SEDs and manifests for all new transactions starting on the 8th day of downtime.

A. Commodity Data (SED)

Option 2 and Option 3 Shipments:

AES participants will provide full paper documentation prior to departure, for all new transactions starting on the 8th calendar day of downtime. AES exporters may submit their SEDs directly to Customs or if more convenient, to the carrier for submission to Customs. SEDS must be separated by carrier, port, and date of departure. A cover sheet identifying the carrier, number of bills, and number of SEDs must be attached to individual batches. This will facilitate association with the appropriate manifest.

Option 4 Shipments

AES participants will provide paper documents for all new transactions starting on the 8th day of downtime. These documents will be due 10 working days from the date of exportation, unless the system becomes available sooner.

B. Vessel Manifest Data

AES carriers will revert to manual reporting of manifests for new departures starting on the 8th calendar day of downtime. These manifests will be due 10 calendar days after departure from each port of departure, unless the system becomes available sooner. Customs may verify that backlogged manifest data from days 1-7 is transmitted within 14 calendar days after the system is restored.

2. Holds

AES participants should continue to hold shipments detained by a Customs Official, or placed on hold by AES prior to the system's failure, until the hold is resolved. Participants should contact the local Assistant Port Director, Outbound Operations to confirm the status of any shipments.

3. State Department Licenses

AES participants will revert to the manual method for the processing of DSP-5 licenses. The exporter will present at least three copies of the paper SED along with the invoice to the port of export for validation, and then present two copies of the validated SED to the carrier for the manifest. Procedures for the manual method may be found in 22 CFR 23.22.

4. Discontinuation of Manual Procedures

AES Participants may resume export reporting through AES when informed by a Customs Official that AES is again available or when the applicant's system becomes available and the proper notification is made to Customs (Client Representative and Assistant Port Director, Outbound Operations). AES participants may then discontinue manual reporting.

AES PARTICIPANTS SHOULD BE CAREFUL NOT TO REPORT

THROUGH AES ANY SHIPMENT THAT HAS BEEN REPORTED MANUALLY.

B. Government's Responsibilities

1. Client Representatives and the Newington Data Center

When notified of an internal problem within the Customs AES system, Client Representatives and the Newington Data Center will follow the procedures in the Customs document "Trade & Field Support Problem Escalation Procedures - Internal Use" to resolve the problem.

2. Unresolved Problems

If the above problem cannot be remedied within seven calendar days, the Newington Data Center will inform the Director, Outbound Programs, and AES Client Representative Team Leader. The Director, Outbound Programs is responsible for informing the Chief, Foreign Trade Division, Bureau of the Census and Customs Field Personnel. The AES Client Representative Team Leader is responsible for informing all Client Representatives and the AES Participants.

3. Revert to Manual Processing

When AES is unavailable for eight or more calendar days, the Director, Outbound Programs, U.S. Customs, with the concurrence of the Chief, Foreign Trade Division, Bureau of the Census, will make the decision to implement the manual method of export reporting as per 19 CFR Part 4, 19 CFR Part 122 and 15 CFR Part 30, and the "Standard Guidelines for Processing of Automated Export Transactions During Downtime of AES and Downtime of the AES Participant's Computer System".

4. Customs Ports

Once Customs Ports are notified of the decision to revert to manual procedures, they will collect paper export documents from exporters and carriers in accordance with Sections 5 and 6 of these guidelines.

5. Census Copies of the SEDs

Customs will mail Statistical Copies of the SEDs to the Bureau of the Census as often as necessary but not less than once a week. Each batch of SEDs should be accompanied by an FTD 16 transmittal sheet. Procedures can be found in the "Trade Statistical Handbook" CIS 3500-04, dated April 1998.

6. Verifications

Enforcement verification of export transactions will revert to manual methods during AES downtime. This means that Customs Officers will need to review paper SEDs, waybills, manifests, and bookings to target for high risk shipments. Carriers, exporters, or their agents must be contacted by phone/fax, or in person, to detain shipments for examination or to release shipments from detention. When deemed necessary, Customs will verify compliance with the two-week time frame for inputting the backlog data from days 1-7.

7. Holds

Customs Officers should respond immediately to inquiries from AES participants concerning holds. All inspection results will be recorded in the Outbound Targeting and Tracking System (OTTS) in the Treasury Enforcement Communications System (TECS) until AES is available. If OTTS is unavailable, Customs Officers should keep a manual record of inspection results until OTTS is available.

8. State Department Licenses

The Director, Outbound Programs will be responsible for notifying the Customs Ports to revert to paper processing of State Department Licenses. This means that decrementation information presented by the exporter will be recorded by Customs Officers on the back of the paper license. Customs Officers should use the copy of the SED to ensure that information which was awaiting input into AES is recorded on the paper license. Procedures for paper recording of licenses may be found in 22 CFR 123, and in the Export Control Handbook in the TECS Reference Library (RLIO).

The decision to resume automated reporting on a national basis will be made by the Director, Outbound Programs. At that time the Director Outbound Programs will institute procedures for updating the State Department Module in AES with the information recorded on the paper license. It is suggested that ports record their export actions in red pen during downtime for easier identification of data to be input into AES.

9. Discontinuation of Manual Procedures

It is the responsibility of the Director, Outbound Programs, with the concurrence of the Chief, Foreign Trade Division, Bureau of the Census, to make the decision to resume automated reporting through AES. The Director, Outbound Programs is responsible for notifying the Client Representative Team Leaders and the local Customs Ports. Once the ports are informed that AES is available, Customs Officers may resume automated procedures for verification.

7. MISCELLANEOUS

A. Denied Persons List

The Bureau of Export Administration (BXA) issues a list of persons denied the privilege of exporting from the United States. An electronic, public version of the denied parties list may be viewed on the Internet at www.bxa.com.gov. A printed version can be found in the "U.S. Export Administration Regulations" Part 764 Supplement No 2. A copy of these regulations may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA. 22161 phone number 1(800) 363-2068 or (703) 605-6060.

B. Other Agencies

AES receives information from other agencies for edits, either directly into AES or through a link with TECS. These agencies should contact the Director, Outbound Programs, U.S. Customs, at (202) 927-6060. if there is a problem with the transmission of this information. The Director, Outbound Operations or his/her representative will evaluate the situation and contact the appropriate headquarters and field personnel. Customs personnel will direct questions concerning licenses and permits for other agencies (BXA, OFAC, and NRC) to the Exodus Command Center.

8. RESPONSIBILITY

Newington Data Center and AES Team Personnel, Port Directors/Assistant Port Directors, Outbound Operations, Census and Customs Client Representatives, and AES Participants should ensure that all personnel engaged in AES processing are aware of, and follow these guidelines. For questions regarding this policy, AES participants should contact their assigned Customs or Census Client Representatives, or one of the following: Gerry Horner (Census) at (301) 457-3539, Blaine Villwock (Customs-Newington) at (703) 921-7496, or Maritza Castro (Customs/Outbound - Headquarters) at (202) 927-0724. Customs personnel should contact Maritza Castro at (202) 927-0724.